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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. P04810USO PHI 1317

First Inventor BENSON, David L.

Title HYBRID MAIZE PLANT &amp; SEED 34B97

Express Mail Label No. P04810USO PHI 1317

|   |  |   |  |
|---|--|---|--|
| <b>APPLICATION ELEMENTS</b><br><small>See MPEP chapter 600 concerning utility patent application contents.</small>  |  | <b>ADDRESS TO:</b><br>Assistant Commissioner for Patents<br>Box Patent Application<br>Washington, DC 20231  |  |
| 1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17)<br><small>(Submit an original and a duplicate for fee processing)</small>   |  | 7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or<br>Computer Program (Appendix)  |  |
| 2. <input type="checkbox"/> Applicant claims small entity status.<br><small>See 37 CFR 1.27.</small>  |  | 8. Nucleotide and/or Amino Acid Sequence Submission<br><small>(if applicable, all necessary)</small>  |  |
| 3. <input checked="" type="checkbox"/> Specification [Total Pages 54]<br><small>(preferred arrangement set forth below)</small> <ul style="list-style-type: none"> <li>- Descriptive title of the invention</li> <li>- Cross Reference to Related Applications</li> <li>- Statement Regarding Fed sponsored R &amp; D</li> <li>- Reference to sequence listing, a table, or a computer program listing appendix</li> <li>- Background of the Invention</li> <li>- Brief Summary of the Invention</li> <li>- Brief Description of the Drawings (if filed)</li> <li>- Detailed Description</li> <li>- Claim(s)</li> <li>- Abstract of the Disclosure</li> </ul> |  | a. <input type="checkbox"/> Computer Readable Form (CRF)<br>b. Specification Sequence Listing on: <ul style="list-style-type: none"> <li>i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or</li> <li>ii. <input type="checkbox"/> paper</li> </ul> c. <input type="checkbox"/> Statements verifying identity of above copies |  |
| 4. <input type="checkbox"/> Drawing(s) (35 U.S.C. 113) [ Total Sheets <input type="checkbox"/> ]  |  | 9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))   |  |
| 5. Oath or Declaration [ Total Pages 54]  |  | 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of<br><small>(when there is an assignee)</small> <input type="checkbox"/> Attorney   |  |
| a. <input checked="" type="checkbox"/> Newly executed (original or copy)<br>Copy from a prior application (37 CFR 1.63 (d))   |  | 11. <input type="checkbox"/> English Translation Document (if applicable)   |  |
| b. <input type="checkbox"/> (for continuation/divisional with Box 17 completed)   |  | 12. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input checked="" type="checkbox"/> Copies of IDS<br><small>Citations</small>   |  |
| i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b><br><small>Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</small>  |  | 13. <input type="checkbox"/> Preliminary Amendment  |  |
| 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76   |  | 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503)<br><small>(Should be specifically itemized)</small>  |  |
|   |  | 15. <input type="checkbox"/> Certified Copy of Priority Document(s)<br><small>(if foreign priority is claimed)</small>  |  |
|   |  | 16. <input checked="" type="checkbox"/> Other: <b>Express Mail Certification</b>  |  |

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation     Divisional     Continuation-in-part (CIP)

of prior application No.: \_\_\_\_\_ / \_\_\_\_\_

Prior application information:

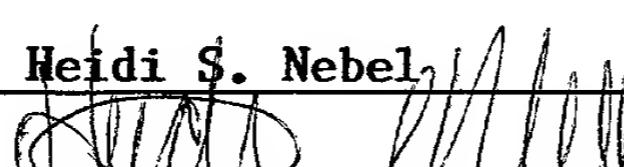
Examiner \_\_\_\_\_

Group / Art Unit: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.**18. CORRESPONDENCE ADDRESS**

|   |  |
|---|--|
| <input checked="" type="checkbox"/> Customer Number or Bar Code Label <div style="display: flex; align-items: center; margin-top: 5px;"> <span style="font-size: 2em; margin-right: 10px;">27142</span> <span style="border: 1px solid black; padding: 2px 10px; background-color: #f0f0f0;">Insert Customer Number or Bar Code Label Here</span> <span style="margin-left: 10px;">or</span> <input type="checkbox"/> Correspondence address below         </div> |  |
|---|--|

|         |   |           |              |          |              |
|---------|---|-----------|--------------|----------|--------------|
| Name    | Heidi S. Nebel                          |           |              |          |              |
| Address | Zarley, McKee, Thomte, Voorhees & Sease |           |              |          |              |
|         | 801 Grand Avenue - Suite 3200           |           |              |          |              |
| City    | Des Moines                              | State     | IA           | Zip Code | 50309-2721   |
| Country | U.S.A.                                  | Telephone | 515-288-3667 | Fax      | 515-288-1338 |

|                   |  |                                   |        |
|-------------------|--|-----------------------------------|--------|
| Name (Print/Type) | Heidi S. Nebel   | Registration No. (Attorney/Agent) | 37,719 |
| Signature         |  |                                   |        |
|                   | Date 12/01   |                                   |        |

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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 2,206.00)

## Complete if Known

|                      |                    |
|----------------------|--------------------|
| Application Number   | 10/678,010         |
| Filing Date          | 12/01/00           |
| First Named Inventor | BENSON, David L.   |
| Examiner Name        |                    |
| Group Art Unit       | 1638               |
| Attorney Docket No.  | P04810USO PHI 1317 |

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **16-1852**Deposit Account Name **Pioneer Hi-Bred Int'l.** Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 Applicant claims small entity status. See 37 CFR 1.272.  Payment Enclosed: Check     Credit card     Money Order     Other

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description   | Fee Paid |
|----------------------------|----------------------------|---|----------|
| 105                        | 130                        | 205 65 Surcharge - late filing fee or oath  |          |
| 127                        | 50                         | 227 25 Surcharge - late provisional filing fee or cover sheet                     |          |
| 139                        | 130                        | 139 130 Non-English specification   |          |
| 147                        | 2,520                      | 147 2,520 For filing a request for ex parte reexamination                         |          |
| 112                        | 920*                       | 112 920* Requesting publication of SIR prior to Examiner action                   |          |
| 113                        | 1,840*                     | 113 1,840* Requesting publication of SIR after Examiner action                    |          |
| 115                        | 110                        | 215 55 Extension for reply within first month                                     |          |
| 116                        | 390                        | 216 195 Extension for reply within second month                                   |          |
| 117                        | 890                        | 217 445 Extension for reply within third month                                    |          |
| 118                        | 1,390                      | 218 695 Extension for reply within fourth month                                   |          |
| 128                        | 1,890                      | 228 945 Extension for reply within fifth month                                    |          |
| 119                        | 310                        | 219 155 Notice of Appeal  |          |
| 120                        | 310                        | 220 155 Filing a brief in support of an appeal                                    |          |
| 121                        | 270                        | 221 135 Request for oral hearing  |          |
| 138                        | 1,510                      | 138 1,510 Petition to institute a public use proceeding                           |          |
| 140                        | 110                        | 240 55 Petition to revive - unavoidable   |          |
| 141                        | 1,240                      | 241 620 Petition to revive - unintentional  |          |
| 142                        | 1,240                      | 242 620 Utility issue fee (or reissue)  |          |
| 143                        | 440                        | 243 220 Design issue fee  |          |
| 144                        | 600                        | 244 300 Plant issue fee   |          |
| 122                        | 130                        | 122 130 Petitions to the Commissioner   |          |
| 123                        | 50                         | 123 50 Processing fee under 37 CFR 1.17(q)  |          |
| 126                        | 180                        | 126 180 Submission of Information Disclosure Stmt                                 |          |
| 581                        | 40                         | 581 40 Recording each patent assignment per property (times number of properties) |          |
| 146                        | 710                        | 246 355 Filing a submission after final rejection (37 CFR § 1.129(a))             |          |
| 149                        | 710                        | 249 355 For each additional invention to be examined (37 CFR § 1.129(b))          |          |
| 179                        | 710                        | 279 355 Request for Continued Examination (RCE)                                   |          |
| 169                        | 900                        | 169 900 Request for expedited examination of a design application                 |          |
| Other fee (specify) _____  |                            |   |          |

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description               | Fee Paid |
|---------------|---------------|-------------------------------|----------|
| 101           | 710           | 201 355 Utility filing fee    | 710      |
| 106           | 320           | 206 160 Design filing fee     |          |
| 107           | 490           | 207 245 Plant filing fee      |          |
| 108           | 710           | 208 355 Reissue filing fee    |          |
| 114           | 150           | 214 75 Provisional filing fee |          |

SUBTOTAL (1) (\$ 710.00)

## 2. EXTRA CLAIM FEES

| Total Claims          | Extra Claims | Fee from below | Fee Paid |
|-----------------------|--------------|----------------|----------|
| 32                    | -20** = 12   | X 18 = 216     |          |
| Independent Claims 19 | -3** = 13    | X 80 = 1280    |          |
| Multiple Dependent    |              | 270            |          |

## Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description  |
|---------------|---------------|--|
| 103           | 18            | 203 9 Claims in excess of 20                                     |
| 102           | 80            | 202 40 Independent claims in excess of 3                         |
| 104           | 270           | 204 135 Multiple dependent claim, if not paid                    |
| 109           | 80            | 209 40 ** Reissue independent claims over original patent        |
| 110           | 18            | 210 9 ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ 1,496.)

\*or number previously paid, if greater; For Reissues, see above

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

| Name (Print/Type) | Heidi S. Nebel   | Registration No. (Attorney/Agent) | 37,719 | Telephone | 515-288-3667 | Complete (if applicable) |
|-------------------|--|-----------------------------------|--------|-----------|--------------|--------------------------|
| Signature         |  |                                   |        | Date      | 1/12/01      |                          |

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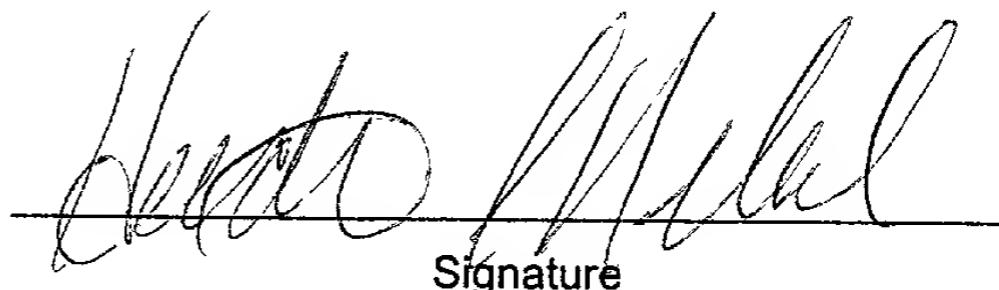
**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

|                      |                                 |
|----------------------|---------------------------------|
| First Named Inventor | BENSON, David L.                |
| Title                | HYBRID MAIZE PLANT & SEED 34B97 |
| Atty Docket Number   | P04810USO PHI 1317              |

01/12/01  
10918 U.S.P.T.O.  
10918 U.S.P.T.O.

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

1/12/01  
Date

  
Signature

**Heidi S. Nebel**

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

**Burden Hour Statement:** This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231